

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FIRST, LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

TIMOTHY MCARTHUR,

Defendant.

Civil Action No.
05-10544-JLT

JOINT MOTION TO
CONFIRM SETTLEMENT
AND ENTER PERMANENT
INJUNCTION

FIRST, LLC ("FIRST") and Timothy McArthur ("McArthur") respectfully request upon the Verified Complaint, the affidavit of Irwin B. Schwartz, pursuant to the stipulation and agreement of plaintiff FIRST, LLC and defendant Timothy McArthur, and for good cause shown, that the Court confirm the settlement between First and McArthur and ORDER that:

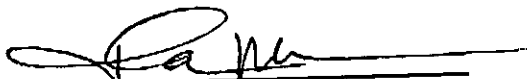
1. McArthur, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with him, shall discontinue and be permanently enjoined from publishing NASCAR® 2003 Season source code or any derivative thereof, from reverse engineering, decompiling or disassembling any current or future version of FIRST software or previous, current and future versions of NASCAR® 2003, from assisting anyone in any way to reverse engineer, decompile or disassemble any current or future FIRST software or previous, current and future versions of NASCAR® 2003, and from developing a derivative work, or assisting in any way the development of any program or other mechanism to create a derivative work, of any current or future FIRST software, including current and future versions of NASCAR® 2003;

2. Dismiss all remaining claims; and

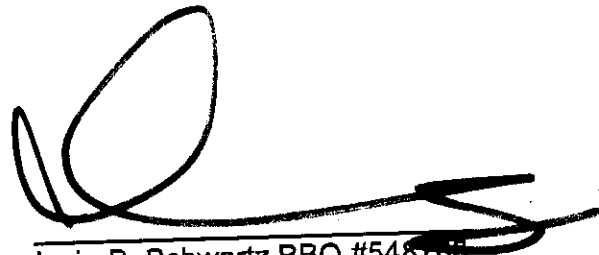
3. Enter such further and additional relief as the Court deems just and proper.

A proposed order is submitted herewith.

Respectfully submitted,


Timothy McArthur, Pro Se

DATED: May 2, 2005



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Attorneys for Plaintiff
FIRST, LLC

DATED: May 3, 2005